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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

14 || V SHRED, LLC.

CASE NO.: 2:21-cv-01344-JCM-VCF

16 Plaintiff,
v.

17 GRAVITY TRANSFORMATION LLC, a
18 Texas company, and GEORGE
PERELSHTEYN, an individual,

Defendants.

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

[FOURTH REQUEST]

21 Plaintiff V SHRED, LLC (“Plaintiff”) and Defendants GRAVITY TRANSFORMATION
22 LLC and GEORGE PERELSSTEYN (collectively “Defendants” and together with Plaintiff,
23 “Parties”), by and through their attorneys, and pursuant to LR IA 6-1 and 26-3, submit the
24 following Stipulation to Extend the Deadlines Related to Expert Disclosures by sixty (60) days,
25 and specifically to extend the deadline for expert disclosures from December 30, 2022, to and
26 including February 28, 2023, and to concomitantly extend all subsequent discovery and pretrial
27 deadlines. This is the fourth request to extend time to complete discovery, as requests to extend

1 discovery were granted by the Court on March 28, 2022, July 18, 2022, and October 21, 2022. In
2 support of the Stipulation, the Parties state the following:

3 1. Statement Specifying the Discovery Completed. Defendants have served their
4 First Set of Requests for Production of Documents and their First Set of Interrogatories. Plaintiff
5 served its responses to Defendant's First Set of Requests for Production of Documents and First
6 Set of Interrogatories. Plaintiff has served its First Set of Interrogatories, its First Set of Requests
7 for Production of Documents, its First Set of Requests for Admissions, and has deposed
8 Defendant's two principals. Defendants have served six document productions. Plaintiff has
9 served five document productions with its Supplemental Responses to Defendant's First Set of
10 Requests for Production of Documents and its Supplemental Responses to its Initial Disclosures.

11 2. Upon the expiration of the deadline for factual discovery (October 3, 2022) and in
12 part as a result of the factual discovery identified and produced thereby, the Parties recommenced
13 an exploration of potential settlement. Having further examined the produced discovery, *inter*
14 *alia*, both Parties believe that settlement is likely, and would preserve judicial and party resources.

15 3. Description of the Discovery That Remains to be Completed. Despite the Parties'
16 desire to engage in good faith settlement discussions as discussed above, their ability to engage
17 in such an effort and finalize the settlement may be hampered, if not precluded, by the looming
18 December 30, 2022, expert disclosure deadline. Further, if settlement is not reached, both Parties
19 will need to disclose expert witnesses, as this case involves not only complex issues of copyright
20 law, but will require expert reports and analyses of weight and fitness training and thorough
21 accounting. Plaintiff will also supplement its discovery responses. Defendants will respond to
22 Plaintiff's discovery requests, and Defendants will be seeking the deposition of Plaintiff's
23 30(b)(6) representative and other plaintiff witnesses, including without limitation the author(s) of
24 the copyrighted work that is the subject of this action. Defendants will also be subpoenaing
25 documents and taking the deposition of third parties whose content they allege Plaintiff copied
26 and copyrighted. Defendant will be disclosing expert witnesses regarding the scope of the work
27 protectable under copyright, scenes a fair, and prior works baring the enforceability of Plaintiff's
28

1 copyrights in this action, as well as an expert on applicable damages. The Parties will seek to
2 depose all experts and may disclose rebuttal experts as well, which the Parties will then depose.

3 4. The Reasons why Discovery was not Completed Within the Time Limits. Good
4 cause exists, pursuant to LR 26-3 and LR 26-3(c). In an attempt to avoid the costs and expense
5 of complex copyright infringement and revocation litigation and discovery, the Parties continue
6 to engaged in several rounds of settlement discussions during the discovery period. Prior efforts
7 proved unsuccessful, but recent discovery has encouraged both Parties to seriously consider
8 settlement. The current expert disclosure deadline of December 30, 2022, is now inadequate to
9 provide the time required to complete discovery in this complex matter for either party. Absent
10 this requested amendment, both Parties would be prejudiced, as the Parties need to extend
11 discovery deadlines to complete discovery, including the disclosure and deposition of several
12 experts.

13 5. A Proposed Schedule for Completing All Remaining Discovery. Currently, the
14 expert disclosure deadline is Friday, December 30, 2022; the rebuttal expert disclosure deadline
15 is Monday, January 30, 2023; the deadline to take expert depositions is Wednesday, March 1,
16 2023; the dispositive motions deadline is Friday, March 31, 2023; the Pretrial Order deadline is
17 Monday, May 1, 2023. The Parties propose the following dates:

18 A. The expert disclosure deadline shall be Tuesday, February 28, 2023;
19 B. The rebuttal expert disclosure deadline shall be Thursday, March 30, 2023,
20 thirty (30) days after the deadline to disclose initial experts, in accordance with LR 26-1(b)(3).
21 C. The Parties shall have until Monday, May 1, 2023, to take the depositions
22 of the experts, thirty-two (32) days after the deadline to disclose rebuttal experts, as the 30th day
23 falls on a Saturday.

24 D. The dispositive motions deadline shall be Wednesday, May 31, 2023, thirty
25 (30) days after the deadline to take depositions of the experts;

26 E. The Pretrial Order deadline shall be Friday, June 30, 2023, thirty (30) days
27 after the deadline for filing dispositive motions, in accordance with LR 26-1(b)(5).

28 6. This is the fourth request to extend time to take discovery, but a stipulation for

1 extension of time for Defendants to file their responsive pleading was filed on and granted on
2 August 18, 2021.

3 7. This request for an extension of time is not intended to cause any undue delay or
4 prejudice any party.
5

6 Therefore, the Parties hereby stipulate to extend the deadlines for discovery as outlined above.
7

8 Dated December 20, 2022.

9 MCDONALD CARANO LLP

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Dated December 20, 2022.

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15 Dated December 20, 2022.

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23 IT IS SO ORDERED:

24 
25 UNITED STATES MAGISTRATE JUDGE

26 12-21-2022
27 DATED: _____